

ZB# 02-64

Anne Harris

20-1-19

Prelim.

November 25, 2002

Public Hearing

Dec. 9, 2002.

Approved 12/9/02

APPROVED

~~2/1/03~~
2/20/03

#02-64- Harris, Anne

(Interp.)

20-1-19

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Harris, Anne

FILE# 02-64

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA _____

USE _____

APPLICATION FOR VARIANCE FEE \$ 50.00

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE \$ 18.00
2ND PRELIMINARY- PER PAGE \$ _____
3RD PRELIMINARY- PER PAGE \$ _____
PUBLIC HEARING - PER PAGE \$ 18.00 12/9
PUBLIC HEARING (CONT'D) PER PAGE \$ _____
TOTAL \$ 36.00

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: \$ 35.00
2ND PRELIM. \$ _____
3RD PRELIM. \$ _____
PUBLIC HEARING \$ 35.00 12/9
PUBLIC HEARING (CONT'D) \$ _____
TOTAL \$ 70.00

MISC. CHARGES:

..... \$ _____
TOTAL \$ 106.00

LESS ESCROW DEPOSIT \$ 300.00
(ADDL. CHARGES DUE) \$ _____
REFUND DUE TO APPLICANT .. \$ 194.00

L.R. 3/11/03

paid ck. 3461
11/25/02
paid ck #3460.



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

OFFICE OF THE ZONING BOARD OF APPEALS

March 11, 2003

Ms. Anne Harris
1 Riverview Avenue
New Windsor, NY 12553

SUBJECT: ZBA #02-64 - REQUEST FOR INTERPRETATION

Dear Ms. Harris:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

Sent 3/11/03

**TOWN OF NEW WINDSOR
ENGINEER, PLANNING BOARD
AND ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: MARCH 11, 2003
SUBJECT: ANNE HARRIS - ZBA #02-64 ESCROW BALANCE

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 194.00 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #02-64

NAME: ANNE HARRIS

ADDRESS: 1 RIVERVIEW AVE.

NEW WINDSOR, NY 12553

THANK YOU,

MYRA

L.R. 3/11/03

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 20-1-19

In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

ANNE HARRIS

INTERPRETATION

CASE #02-64

WHEREAS, ANNE HARRIS, owners of 1 Riverside Avenue, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Interpretation of 48-12 Use Bulk Tables R-4 Zone; Two family dwelling not permitted in an R-4 Zone; and

WHEREAS, a public hearing was held on the 9th day of December 2002 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties.
 - (b) The property is a one-family home containing two kitchens.
 - (c) When the house was purchased, it was listed as a two-family home and has been taxed thereafter as a two-family home.

- (d) The house has always been operated as a one-family house and will continue to be so operated. The applicant's mother lives in the downstairs portion of the house, but, there is one family unit.
- (e) The house is heated by oil heat and there is one heating unit for all portions of the premises
- (f) In the interior of the home there are no locked doors or impediments to access throughout the house.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The premises is and has been operated as a one family home.
2. The premises is a single-family residence and no portion of the residence may be rented in the future as a separate living premises.

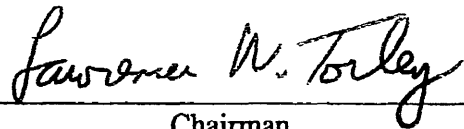
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for an Interpretation of 48-12 Use Bulk Tables R-4 Zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: February 20, 2003



Chairman

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: October 28, 2002

APPLICANT: Anne Harris
1 Riverview Ave.
New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: October 28, 2002

FOR : Single Family Residence with 2 Kitchens

LOCATED AT: 1 Riverview Ave.

ZONE: R-4 Sec/Blk/ Lot: 20-1-19

COPY

DESCRIPTION OF EXISTING SITE: Section 20 Block 1 Lot 19

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 48-12 Use Bulk Tables R-4 Zone. Need interpretation.
2. Two family dwelling not permitted in the R-4 zone.
3. Applicant states this is a single family dwelling with two kitchens.


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

✓
VARIANCE
REQUEST:

ZONE: R-4 USE:

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be inspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway pond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

OCT 28 2002

BUILDING DEPARTMENT ZONING BOARD

FOR OFFICE USE ONLY:

Building Permit #: 2002-1163

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

X Owner of Premises ANNE M. HARRIS

X Address 1 River view Ave Phone # 561-4246

X Mailing Address New Windsor NY 12553 wk- 561-0795

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder _____

If applicant is a corporation, signature of duly authorized officer. _____

(Name and title of corporate officer)

1. On what street is property located? On the _____ side of _____
(N, S, E or W)
and _____ feet from the intersection of _____

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____

3. Tax Map Description: Section 20 Block 1 Lot 19

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy _____ b. Intended use and occupancy _____

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other

Change
Two family
to one family
with
'2' Kitchen

6. Is this a corner lot? _____

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories with _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____

Fee

\$50.00 part of #3426
dtd 10/28/02

PAID

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lal & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 583-4618
(845) 583-4885 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

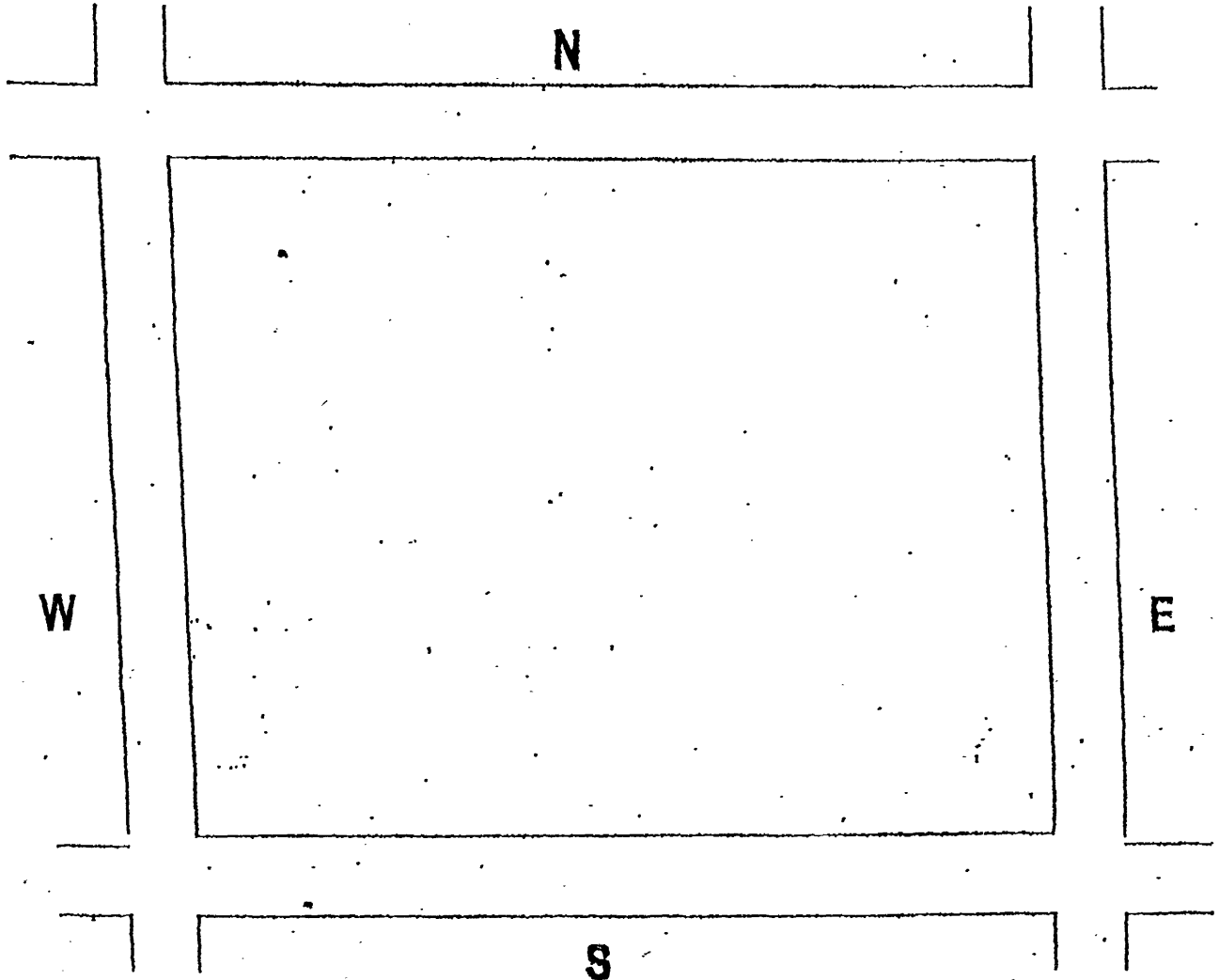
X Anne M. Harris
(Signature of Applicant)

(Address of Applicant)

X Anne M. Harris
(Owner's Signature)

PLOT PLAN

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



PUBLIC HEARINGS:

HARRIS, ANNE

Ms. Anne Harris appeared before the board for this proposal.

MR. TORLEY: Is there anyone in the audience who wishes to speak on this matter? Let the record show there is none.

MS. MASON: For the record on the 27th of November, 28 notices containing the public hearing were mailed out.

MR. TORLEY: Request for interpretation of residence as a single-family with two kitchens. Yes, ma'am?

MS. HARRIS: I would just like basically the interpretation of my residence as a single family home with two kitchens and I do have pictures, I brought them last time, I will share them with you again.

MR. TORLEY: Now, the purpose of the second kitchen and living area?

MS. HARRIS: When my husband and I bought the house, it was listed as a two family and then I just went to refinance my house taking equity and, you know, they came back saying that my house is an illegal two family and that's why I'm here.

MR. TORLEY: But your purpose is, you're stipulating it is a single family house and will remain so?

MS. HARRIS: I guess it will have to be, yeah.

MR. TORLEY: Just happens to have two kitchens.

MS. HARRIS: My mother lives downstairs.

MR. TORLEY: So it's mother-daughter?

MS. HARRIS: Yes.

MR. TORLEY: Has a single entrance or essentially

single entrance?

MS. HARRIS: Yes. No, I mean--

MR. MC DONALD: One electric meter?

MS. HARRIS: You know what, my mother does get her own separate electric bill so--

MR. MC DONALD: How about the gas meter, that was one the last time?

MS. HARRIS: No gas, oil.

MR. TORLEY: So one oil tank?

MS. HARRIS: Yes.

MR. KANE: I already asked what your intention is to always use this as a single family home.

MS. HARRIS: Yes.

MR. KRIEGER: That means specifically that when your mother no longer occupies the premises, you can't rent it to somebody else.

MS. HARRIS: Okay but, I mean, I can have someone live there family if they wanted to or--

MR. KRIEGER: The law defines a single family as not more than 6 unrelated persons. By implication, yes, you can have a related person there but you couldn't do it as marketed like a landlord.

MS. HARRIS: Well, that's why we bought the house though because it was listed as a two family at the time, that's why my husband and I bought the house.

MR. TORLEY: Now, let's go over this again. You may have purchased it as a two-family house, but by requesting this interpretation, you're stating for the record that this is a one-family house, will not be--

MS. HARRIS: With two kitchens and will not be rented.

MR. TORLEY: You won't be renting out an apartment in it?

MS. HARRIS: Correct.

MR. KRIEGER: The interior there are no locked doors between the two?

MS. HARRIS: No.

MR. TORLEY: Like a bedroom door lock?

MR. KANE: Privacy lock?

MR. KRIEGER: You know, a doorknob lock.

MR. TORLEY: We're not talking about steel door outside entrance, just a privacy lock.

MS. HARRIS: My mother has an entrance around back when she live with me and when my aunt passed away, my husband and I put a door so she can come through, that's the only modification we made.

MR. KANE: Accept a motion?

MR. TORLEY: If there are no other questions, yes.

MR. KANE: I move that we interpret the residence at 1 Riverview Avenue as a single-family home with two kitchens.

MR. REIS: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. MC DONALD	AYE
MR. RIVERA	AYE
MR. TORLEY	AYE

MR. TORLEY: With this interpretation she's now going to the tax assessor and say this is not a two family,

it's a one family.

MS. HARRIS: But have I been paying more taxes throughout because it was listed like that?

MR. TORLEY: Probably.

MS. HARRIS: Do I get--

MR. KANE: No.

MR. TORLEY: When is the last time you heard of a government giving you money back? This is New Windsor, not Oz.

MR. KRIEGER: Can't get any tax relief from this board.

MR. TORLEY: Tell the assessor this is interpreted as a single family residence.

MS. HARRIS: Do I have to contact them?

MR. KANE: You'll get a notice, they'll probably want to see something in writing.

MS. HARRIS: Thank you.



ZBA # 02-64
P.B.#

APPROVED: M) _____ S) _____ VOTE: A _____ N _____
 RIVERA _____
 MCDONALD _____ CARRIED: Y _____ N _____
 REIS _____
 KANE _____
 TORLEY _____

Approved as single family $\frac{1}{2}$ kitchen

[illegible]

-----X

**AFFIDAVIT OF
SERVICE
BY MAIL**

_____X

Patricia H. Corseth, being duly sworn, deposes and says:

That on the 27th day of November, 2012, I compared the 58 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then caused the envelopes to be deposited in a U.S. Depository within the Town of New Windsor.

Adriano C. Corsetti

____ day of _____, 20____.

Notary Public



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessors Office

October 31, 2002

58

Anne Harris
1 Riverview Ave.
New Windsor, NY 12553

Re: 20-1-19

Dear Ms. Harris,

According to our records, the attached list of property owners, are within five hundred (500) feet of the above referenced property.

The charge for this service is \$75.00, minus your deposit of \$25.00.

Please remit the balance of \$50.00 to the Town Clerk's Office.

Sincerely,

John McDonald
Acting Assessor

JM/lrd
Attachments

CC: Pat Corsetti, ZBA

20-01-01

City School District of Newburgh
98 Grand Street
Newburgh, NY 12550

20-1-11

Tracey L. Meyers
3 Broad Street
New Windsor, NY 12553

20-1-21

Patrick & Darcy B. Kennedy
5 Riverview Ave.
New Windsor, NY 12553

20-01-02

Anna Mary White
21 Broad Street
New Windsor, NY 12553

20-1-12

Edward J. Jr. & Elizabeth M. Kirwan
15 Queen Street
New Windsor, NY 12553

20-1-22.22

William S. & Jennifer A. Donaldson
7 Riverview Ave.
New Windsor, NY 12553

20-01-03

Douglas & Young Campbell
19 Broad Street
New Windsor, NY 12553

20-1-13

Duane D. & Patricia A. Damanda
11 Queen St.
New Windsor, NY 12553

20-1-23

Gordon J. & Neva A. Jamieson
9 Riverview Ave.
New Windsor, NY 12553

20-1-4

Charles S. Ruscelli Jr.
& Darlene M. Cass
651 South Street
Newburgh, NY 12550

20-1-14

Helen K. Mihalco
7 Queen St.
New Windsor, NY 12553

20-1-24

Leonard A. Rossi & Mary L. McCarvel
12 Riverview Ave.
New Windsor, NY 12553

20-1-5

Mary Elizabeth Fama
13 Broad Street
New Windsor, NY 12553

20-1-15.1

Stephen Grieco
5 Queen St.
New Windsor, NY 12553

20-1-25

James B. & Edna Mae Rourke
10 Riverview Ave.
New Windsor, NY 12553

20-1-6

Charles H. Denny Jr.
13 Broad Street
New Windsor, NY 12553

20-1-15.2

Michael Wicks & Nicole McNamee-Wicks
John H. McNamee
3 Queen Street
New Windsor, NY 12553

20-1-26

Denis & Holly Parrington
8 Riverview Ave.
New Windsor, NY 12553

20-1-7

Elissa L. Zahn
11 Broad Street
New Windsor, NY 12553

20-1-16

Barbara Coan
58 Silver Spring Rd.
New Windsor, NY 12553

20-1-27

Jeffrey & Terry Rose
6 Riverview Ave.
New Windsor, NY 12553

20-1-8

Dena Beth Beecken & Thomas A. Riley
9 Broad Street
New Windsor, NY 12553

20-1-17

Frances Stasio & Michael V. Petrocelli
62 Silver Spring Rd.
New Windsor, NY 12553

20-1-28

Christopher & Theresa Hinkson
4 Riverview Ave.
New Windsor, NY 12553

20-1-9

Anthony & Justine A. Schembri
7 Broad Street
New Windsor, NY 12553

20-1-18

Iraj & Linda M. Atrchi
64 Silver Spring Rd.
New Windsor, NY 12553

20-1-29

Lisa A. Calapa
2 Riverview Ave.
New Windsor, NY 12553

20-1-10

Paul J. & Lori A. Mott
5 Broad Street
New Windsor, NY 12553

20-1-20

Wells Fargo Bank Minnesota
505 S. Main Street
Orange, CA 92868

20-1-30

Wade C. & Debra L. Cornman
66 Silver Spring Rd.
New Windsor, NY 12553

20-1-31

George W. & Gladys M. Tibby
68 Silver Spring Rd.
New Windsor, NY 12553

20-2-17.22

James B. & Phyllis Creagan
18 Fernandez Drive
New Windsor, NY 12553

20-2-27.1

Christine Lobello-Bamberg
55 Silver Spring Rd.
New Windsor, NY 12553

20-1-32

William A. and Gladys E. Lawlor
C/o Lawlor 1845 N. Banana River Dr.
Merritt Island, FL. 32952

20-2-19

Leonard G. & Cynthia A. Harris
12 Fernandez Drive
New Windsor, NY 12553

20-2-29

Maureen Coan
53 Silver Spring Rd.
New Windsor, NY 12553

20-1-33

Ronald Verdier
72 Silver Spring Rd.
New Windsor, NY 12553

20-2-20

Joseph S. & Grace DeGregoria
10 Fernandez Ave.
New Windsor, NY 12553

20-2-30.12 & 20-2-30.21 & 20-2-30.22

Mary Kelly
735 Jacqueline Dr.
Valley Cottage, NY 10989

20-1-34

Rodney F. & June Miller
74 Silver Spring Rd.
New Windsor, NY 12553

20-02-21

Milton S. & Patricia J. Dietz
8 Fernandez Dr.
New Windsor, NY 12553

20-2-31

Marion Joan Bouton
4 Fernandez Dr.
New Windsor, NY 12553

20-2-14

George S. Kingsley
87 Silver Spring Rd.
New Windsor, NY 12553

20-2-22

Maurice & Margaret O'Connor
6 Fernandez Dr.
New Windsor, NY 12553

20-2-33.2 & 20-2-33.31

Richard A. Ostner
82 Bethlehem Rd.
New Windsor, NY 12553

20-2-15

Raffaella Trent
PO Box 4736
New Windsor, NY 12553

20-2-23.1

Dominick Ponzo
69 Silver Spring Rd.
New Windsor, NY 12553

20-2-33.32

Prime Excavating Co.
20 Edgewood Terrace
Newburgh, NY 12550

20-2-16

William S. & Kathleen H. Spellman
20 Fernandez Dr.
New Windsor, NY 12553

20-2-23.2

Samuel Jr. & Carol J. Russo
67 Silver Spring Rd.
New Windsor, NY 12553

20-2-36

Ian Vanderessen
PO Box 367
Vails Gate, NY 12584

20-2-17.1 & 20-2-17.23

Michael Petrocelli
73 Silver Spring Road
New Windsor, NY 12553

20-2-24.1

George & Charlene Van Houten
65 Silver Spring Rd.
New Windsor, NY 12553

20-2-94

Elizabeth Mensch & Thomas G. Donegan
79 Silver Spring Rd.
New Windsor, NY 12553

20-2-17.211

Gary E. & Dianna L. Commam
81 Silver Spring Rd.
New Windsor, NY 12553

20-2-25

William & Dale Hein
59 Silver Spring Rd.
New Windsor, NY 12553

20-2-17.212

Charles Sandike
77 Silver Spring Rd.
New Windsor, NY 12553

20-2-26

Barbara Coan
57 Silver Spring Rd.
New Windsor, NY 12553

**Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611**

**RECEIPT
#1130-2002**

12/02/2002

Harris, Anne M. #02-64

**Received \$ 50.00 for Zoning Board Fees, on 12/02/2002. Thank you for
stopping by the Town Clerk's office.**

As always, it is our pleasure to serve you.

**Deborah Green
Town Clerk**

ANNE M. HARRIS
1 RIVERVIEW AVE
NEW WINDSOR, NY 12553
(845) 561-4246

50-7879/2219

Date

3460

11-25-02

Pay to the order of *Laura Harris* *under 300.00*
Three Hundred and no/100

HUDSON HERITAGE FEDERAL CREDIT UNION
NEWBURGH, NEW YORK 12550

Security Features
Include
Oval on Back

Dollar

26A #1264
Mar Varianci *Anne M Harris*

⑆22197879⑆⑆1258004189001⑆⑆3460

ANNE M. HARRIS
1 RIVERVIEW AVE
NEW WINDSOR, NY 12553
(845) 561-4246

50-7879/2219

Date

3461

11-25-02

50.00

HUDSON HERITAGE FEDERAL CREDIT UNION
NEWBURGH, NEW YORK 12553

Dollars

Mem #02-64 269

Anne M. Harris

⑆22197879⑆12580041890016⑈3461

HARRIS, ANNE

Ms. Anne Harris appeared before the board for this proposal.

MR. TORLEY: Request for interpretation of residence as a single-family with two kitchens at One Riverview Avenue in an R-4 zone.

MR. TORLEY: What's the difficulty here?

MS. HARRIS: When my husband and I bought the house 14 years ago, it was listed as a multi-family and I just recently went to do a home equity loan and they told me it was an illegal two family. So they told me, my mother lives there, my husband and I bought the house primarily because it was listed as a two family because she lost everything in a fire at Squire Village 15 years ago, so we were, I was really shocked when I found out that it's an illegal two family all these years and I can't kick my 84 year old mother out now.

MR. KANE: Basically two kitchen scenario, Mike?

MR. BABCOCK: Yes.

MR. KANE: Do you have one, one electric meter, gas meter coming into the house?

MS. HARRIS: Yes. So that's what I want to do, interpretation of residence as single family with two kitchens.

MR. KANE: Your intent is to always use it even though it has two kitchens to always use it as single family home?

MS. HARRIS: Yes.

MR. TORLEY: By doing so even in this case we have to go through public hearing for an interpretation?

MR. KRIEGER: You have to, Zoning Board of Appeals cannot act without a public hearing.

MR. TORLEY: When you come to the public hearing, you're going to be asked to do that, you will stipulate that this is and will remain a single family house that's going to be carried over with the property so you can't sell it as a two family house.

MS. HARRIS: Okay.

MR. KRIEGER: When your mother no longer resides there, you can't get a tenant.

MS. HARRIS: But why wasn't that caught sooner though?

MR. KANE: A lot has to do with the bank, some banks don't require or do an in depth search, okay, and other banks nowadays lately we have been seeing a lot of it and with Mike in the building department they like to clarify everything, get it down that this is exactly what it is for safety reasons.

MR. TORLEY: By doing this, it means there's no problem in the future, take care of it once and problem solved.

MS. HARRIS: Even our tax bill has always been two family.

MR. KRIEGER: One of the things which you should be aware of is this the taxing authorities and building department are two separate entities. Taxing authorities tax is based on what they see. The building department acts on what, based on what ought to be there. It's two different questions. So you can have somebody taxed on what it is and it appears to be a two family taxed that way and that doesn't constitute approval on the part of the Town or the building department.

MR. KANE: But straightening it out allows you a grievance to go down and state that you're a one family instead of two.

MS. HARRIS: There's no way I can have it legally made as a two family because there are no legal two families in New Windsor.

MR. BABCOCK: When did you buy the house?

MS. HARRIS: 1988.

MR. BABCOCK: In 1987, we wrote a letter saying that it was illegal, apparently, the banks didn't care.

MR. KANE: Some banks are just--

MR. TORLEY: Depends how much you put down, if you're putting down 50%, they don't care.

MS. HARRIS: But you have to pay for it later on.

MR. TORLEY: Are there any other questions? So at the public hearing which we must have to go through this you have to say the same kind of thing that it's one meter, one electric bill, there are separate lockable, is there anymore than just a regular passage lock separating the two apartments inside the house?

MS. HARRIS: No because we have an opening.

MR. TORLEY: All these things go to show that it is really a one-family house, that you're obeying a much older code than ours in having your parents there, so that kind of thing. Outside entrances, those are the kinds of things we'll be asking you at the public hearing also and for everyone else, part of the thing you do when you're sitting for a public hearing, you must mail notifications to your neighbors. It's a legal form notice, talk to your neighbors when you do that so they're not afraid that you're going to put in a toxic waste dump. Let them know what you're going to do.

MS. HARRIS: You know what, though, my mother does get a separate Central Hudson bill, so would that mean there are two meters?

MR. KANE: Check into that.

MS. HARRIS: She does get a separate bill.

MR. TORLEY: See about getting it put back into one,

they'll do that for you.

MR. KANE: Accept a motion?

MR. TORLEY: If there are no other questions, of course.

MR. KANE: I move that we set up Anne Harris for a public hearing on her requested interpretation.

MR. REIS: Second it.

ROLL CALL

MR. KANE	AYE
MR. REIS	AYE
MR. MCDONALD	AYE
MR. TORLEY	AYE

**PUBLIC NOTICE OF HEARING
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 64

Request of Anne Harris

for a VARIANCE of the Zoning Local Law to Permit:

Interpretation of residence as a single-family
w/ two kitchens;

being a VARIANCE of Section 48-12-Table of Use/Bulk Regs.-Col. A

for property situated as follows:

One Riverview Avenue, New Windsor, NY

known and designated as tax map Section 20, Blk. 1 Lot 19

PUBLIC HEARING will take place on the 9th day of December,
2022 at the New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York beginning at 7:30 o'clock P.M.

Lawrence Torley
Chairman

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE

02-64
Date: 11/4/02

I. Applicant Information:

- (a) Alice Harris, One River View Avenue, New Windsor, NY 12553
(Name, address and phone of Applicant) (Owner)
- (b) N/A
(Name, address and phone of purchaser or lessee)
- (c) N/A
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect/surveyor)

II. Application type:

☐ Use Variance
☐ Area Variance

☐ Sign Variance
☒ Interpretation

III. Property Information:

- (a) R-4 One River View Avenue 30-1-19 97.6' x 163.9' ±
(Zone) (Address of Property in Question) (S-B-L) (Lot size)
- (b) What other zones lie within 500 feet? NONE
- (c) Is pending sale or lease subject to ZBA approval of this Application? NO
- (d) When was property purchased by present owner? 1988
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO. If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? N/A
- (h) Is there any outside storage at the property now or is any proposed? N/A

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law,
Section _____, Table of _____ Regs., Col. _____.

(Describe proposal) _____

(b) The legal standard for a "Use" Variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area Variance: N/H.

(a) Area variance requested from New Windsor Zoning Local Law,
Section _____, Table of _____ Regs., Col. _____.

	Permitted	Proposed or Available	Variance Request
Min. Lot Area	_____	_____	_____
Min. Lot Width	_____	_____	_____
Reqd. Front Yd.	_____	_____	_____
Reqd. Side Yd.	_____	_____	_____
Reqd. Rear Yd.	_____	_____	_____
Reqd. Street Frontage*	_____	_____	_____
Max. Bldg. Hgt.	_____	_____	_____
Min. Floor Area*	_____	_____	_____
Dev. Coverage*	_____	_____	_____
Floor Area Ratio**	_____	_____	_____
Parking Area	_____	_____	_____

* Residential Districts only

** Non-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe

why you believe the ZBA should grant your application for an area variance:

VI. Sign Variance: N/A

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1	_____	_____	_____
Sign #2	_____	_____	_____
Sign #3	_____	_____	_____
Sign #4	_____	_____	_____

- (b) Describe in detail the sign (s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and free-standing signs? _____.

✓ VII. Interpretation.

- (a) Interpretation requested of New Windsor Zoning Local Law, Section 48-12 & 48-33-.

- (b) Describe in detail the proposal before the Board:

Applicant has second apartment occupied by her elderly mother since date of purchase. Mother moved in w/ daughter after loss of living quarters as a result of fire. No other individual has ever occupied the apartment except Applicant's mother since Applicant purchased property in 1988.

VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

N/A.

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Inspector or Planning Board.
- ☒ Copy of tax map showing adjacent properties.
- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$ 50.00 and the second check in the amount of \$ 50.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: November 4, 2002.

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

x June M Harris
(Applicant)

Sworn to before me this

4th day of November, 2002.

XI. ZBA Action:

(a) Public Hearing date: _____ Commission Ex

PATRICIA A. CORSETTI
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 2025.